

PROSE,CLOSED

**U.S. District Court
Southern District of Indiana (Terre Haute)
CIVIL DOCKET FOR CASE #: 2:09-cv-00319-WTL-JMS**

LEWIS v. MCMAHON et al
Assigned to: Judge William T. Lawrence
Referred to: Judge Jane Magnus-Stinson
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 10/02/2009
Date Terminated: 05/13/2010
Jury Demand: None
Nature of Suit: 555 Prisoner Petitions –
Prison Condition
Jurisdiction: Federal Question

Plaintiff**PAUL LEWIS**

represented by **PAUL LEWIS**
873084
NEW CASTLE – CF
NEW CASTLE CORRECTIONAL
FACILITY – Inmate Mail/Parcels
1000 Van Nuys Road
NEW CASTLE, IN 47362
PRO SE

V.

Defendant

LINDA S. MCMAHON
Deputy Commissioner for Operations
TERMINATED: 10/09/2009

Defendant

J. HUNT
TERMINATED: 10/09/2009

Defendant

BRIAN HEWITT
Field Office Manager
TERMINATED: 10/09/2009

Defendant

**SOCIAL SECURITY
ADMINISTRATION**

represented by **Debra G. Richards**
UNITED STATES ATTORNEY'S
OFFICE
10 West Market Street
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Indianapolis, IN 46204
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/02/2009	<u>1</u>	COMPLAINT against all defendants, filed by PAUL LEWIS. (Attachments: # <u>1</u> Exhibits)(NKD) (Entered: 10/05/2009)
10/02/2009	<u>2</u>	MOTION for Leave to Proceed in forma pauperis, filed by Plaintiff PAUL LEWIS. (Attachments: # <u>1</u> account balance, # <u>2</u> notice and waiver)(NKD) (Entered: 10/05/2009)

10/02/2009	<u>3</u>	MOTION to Appoint Counsel, filed by Plaintiff PAUL LEWIS. (NKD) (Entered: 10/05/2009)
10/02/2009	<u>4</u>	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (NKD) (Entered: 10/05/2009)
10/09/2009	<u>5</u>	ENTRY discussing pending motions and Directing Issuance and Service of Process; granted <u>2</u> Motion for Leave to Proceed in forma pauperis; denied as premature <u>3</u> Motion to Appoint Counsel; proper defendant in action brought pursuant to the Freedom of Information Act is not an individual, rather it is the federal agency that has failed to release requested records; clerk shall issue process to Social Security Administration, Marshal shall serve process. Signed by Judge William T. Lawrence on 10/9/2009. (VS) (Entered: 10/09/2009)
10/09/2009	<u>6</u>	Summons Issued as to Social Security Administration (VS) (Entered: 10/09/2009)
10/09/2009	<u>7</u>	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (VS) (Entered: 10/09/2009)
10/23/2009	<u>8</u>	RETURN of USM Service – Office of the United States Attorney served on 10/19/09 (NKD) (Entered: 10/23/2009)
10/27/2009	<u>9</u>	NOTICE of Appearance by Debra G. Richards on behalf of Defendant SOCIAL SECURITY ADMINISTRATION. (Richards, Debra) (Entered: 10/27/2009)
10/28/2009	<u>10</u>	RETURN of USM Service – SOCIAL SECURITY ADMINISTRATION served by CM on 10/22/2009. (NKD) (Entered: 10/29/2009)
11/06/2009	<u>11</u>	RETURN of USM Service – U.S. Attorney General served by CM on 10/26/09 (NKD) (Entered: 11/09/2009)
11/13/2009	<u>12</u>	MOTION for Extension of Time to December 18, 2009 <i>to Answer or Otherwise Respond to Plaintiff's Complaint</i> , filed by Defendant SOCIAL SECURITY ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order)(Richards, Debra) (Entered: 11/13/2009)
11/13/2009	<u>13</u>	INTERROGATORIES (FIRST), filed by Plaintiff PAUL LEWIS. (Attachments: # <u>1</u> SUBPOENA)(VS) (Entered: 11/13/2009)
11/14/2009	<u>14</u>	ORDER granting defendant's <u>12</u> Motion for Extension of Time to answer complaint to 12/18/09. Signed by Judge William T. Lawrence on 11/14/2009. (VS) (Entered: 11/16/2009)
11/19/2009	<u>15</u>	REQUEST(first) for Production of Documents, filed by Plaintiff PAUL LEWIS.(VS) (Entered: 11/19/2009)
11/23/2009	<u>16</u>	ORDER Directing Monthly Payments be made from Prison Account of Paul Lewis DOC # 873084; plaintiff's custodian is directed to withhold sums from inmate trust account and to forward such sums to Clerk of this Court; as of issuance of this Order, balance of filing fee due in this case is \$350.00; a copy of this Order shall be sent to plaintiff, to plaintiff's custodian and to legal counsel for Indiana Department of Correction. Signed by Judge William T. Lawrence on 11/23/2009. cm(NKD) (Entered: 11/23/2009)
12/02/2009	<u>17</u>	MOTION for Protective Order, filed by Defendant SOCIAL SECURITY ADMINISTRATION. (Richards, Debra) (Entered: 12/02/2009)
12/02/2009	<u>18</u>	BRIEF/MEMORANDUM in Support re <u>17</u> MOTION for Protective Order, filed by Defendant SOCIAL SECURITY ADMINISTRATION. (Richards, Debra) (Entered: 12/02/2009)
12/07/2009	<u>19</u>	MOTION to Appoint Counsel, filed by Plaintiff PAUL LEWIS. (Attachments: # <u>1</u> Supplement letters)(VS) (Entered: 12/07/2009)
12/07/2009	<u>20</u>	MOTION for Leave to Proceed in forma pauperis, filed by Plaintiff PAUL LEWIS. (VS) (Entered: 12/07/2009)
12/08/2009	<u>21</u>	ORDER denying plaintiff's <u>19</u> Motion to Appoint Counsel. Signed by Judge William T. Lawrence on 12/8/2009. cm (NKD) (Entered: 12/08/2009)

12/08/2009	<u>22</u>	ORDER denying as moot plaintiff's <u>20</u> Motion for Leave to Proceed in forma pauperis in light of ruling made on 11/23/09. Signed by Judge William T. Lawrence on 12/8/2009. cm (NKD) (Entered: 12/09/2009)
12/09/2009	<u>23</u>	MOTION for production of documents, filed by Plaintiff PAUL LEWIS. (NKD) (Entered: 12/09/2009)
12/10/2009	<u>24</u>	ENTRY Concerning Selected Matters; defendant's <u>17</u> Motion for Protective Order is granted ; plaintiff's <u>23</u> Motion for production of documents is denied as premature and as subject to restriction consistent with this Entry. Signed by Judge William T. Lawrence on 12/10/2009. cm (NKD) (Entered: 12/10/2009)
12/18/2009	<u>25</u>	MOTION to Dismiss , <i>or in the Alternative, for Summary Judgment</i> , filed by Defendant SOCIAL SECURITY ADMINISTRATION. (Richards, Debra) (Entered: 12/18/2009)
12/18/2009	<u>26</u>	BRIEF/MEMORANDUM in Support re <u>25</u> MOTION to Dismiss , <i>or in the Alternative, for Summary Judgment</i> , filed by Defendant SOCIAL SECURITY ADMINISTRATION. (Attachments: # <u>1</u> Exhibit 1–Declaration Lavelle)(Richards, Debra) (Entered: 12/18/2009)
12/18/2009	<u>27</u>	NOTICE <i>to Pro Se Litigant</i> , filed by Defendant SOCIAL SECURITY ADMINISTRATION, re <u>25</u> MOTION to Dismiss , <i>or in the Alternative, for Summary Judgment</i> . (Attachments: # <u>1</u> Lewis v Faulkner, # <u>2</u> Federal Rule 12, # <u>3</u> Local Rule 7.1) (Richards, Debra) (Entered: 12/18/2009)
01/19/2010	<u>28</u>	MOTION for Extension of Time to answer or otherwise respond to defendant's motion for summary judgment, filed by Plaintiff PAUL LEWIS. (NKD) (Entered: 01/19/2010)
01/20/2010	<u>29</u>	ORDER granting plaintiff's <u>28</u> Motion for Extension of Time to respond; plaintiff shall have through 2/19/10 in which to respond to defendant's motion for summary judgment. Signed by Judge William T. Lawrence on 1/20/2010. cm (NKD) (Entered: 01/21/2010)
02/19/2010	<u>30</u>	MOTION for Extension of Time to to file response to <u>25</u> MOTION to Dismiss , <i>or in the Alternative, for Summary Judgment</i> , filed by Plaintiff PAUL LEWIS. (VS) (Entered: 02/19/2010)
02/25/2010	<u>31</u>	ORDER granting plaintiff's <u>30</u> Motion for Extension of Time to File Response to 3/18/2010 re <u>25</u> MOTION to Dismiss , <i>or in the Alternative, for Summary Judgment</i> .. Signed by Judge William T. Lawrence on 2/25/2010. (VS) (Entered: 02/25/2010)
03/24/2010	<u>32</u>	RESPONSE in Opposition re <u>25</u> MOTION to Dismiss , <i>or in the Alternative, for Summary Judgment</i> , filed by Plaintiff PAUL LEWIS. (NKD) (Entered: 03/24/2010)
03/24/2010	<u>33</u>	Reply Brief Supporting of Facts in Dispute Statement of Case, filed by Plaintiff PAUL LEWIS. (NKD) (Entered: 03/24/2010)
03/25/2010	<u>34</u>	MOTION to Compel production of documents, filed by Plaintiff PAUL LEWIS. (NKD) (Entered: 03/26/2010)
03/26/2010	<u>35</u>	ORDER denying without prejudice plaintiff's <u>34</u> Motion to Compel production of documents. Signed by Judge William T. Lawrence on 3/26/2010. cm(NKD) (Entered: 03/29/2010)
04/05/2010	<u>36</u>	MOTION for Extension of Time to May 5, 2010, filed by Defendant SOCIAL SECURITY ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order)(Richards, Debra) (Entered: 04/05/2010)
04/07/2010	<u>37</u>	ORDER defendant's <u>36</u> Motion for Extension of Time to File reply in support of motion to dismiss to 05/05/10. Signed by Judge William T. Lawrence on 4/7/2010. (VS) (Entered: 04/07/2010)
05/03/2010	<u>38</u>	REPLY in Support of Motion re <u>25</u> MOTION to Dismiss , <i>or in the Alternative, for Summary Judgment</i> , filed by Defendant SOCIAL SECURITY ADMINISTRATION. (Attachments: # <u>1</u> Declaration Seiden)(Richards, Debra)

		(Entered: 05/03/2010)
05/04/2010	<u>39</u>	MOTION for production, filed by Plaintiff PAUL LEWIS. (Attachments: # <u>1</u> attachment b-c)(VS) (Entered: 05/04/2010)
05/05/2010	<u>40</u>	ORDER denying plaintiff's <u>39</u> Motion for production. Signed by Judge William T. Lawrence on 5/5/2010. cm (NKD) (Entered: 05/05/2010)
05/13/2010	<u>41</u>	ENTRY discussing motion to dismiss; SSA's motion to dismiss and the materials relating to such motion, court finds motion to dismiss must be granted ; judgment shall now issue. Signed by Judge William T. Lawrence on 5/13/2010.(VS) (Entered: 05/13/2010)
05/13/2010	<u>42</u>	CLOSED DISMISSED for lack of jurisdiction . Signed by Judge William T. Lawrence on 5/13/2010.(VS) (Entered: 05/13/2010)
05/14/2010	<u>43</u>	MOTION for Extension of Time to file a reply to Motion to Dismiss or in Alternative for Summary Judgment, filed by Plaintiff PAUL LEWIS. (NKD) (Entered: 05/14/2010)
05/17/2010	<u>44</u>	ORDER denying plaintiff's <u>43</u> Motion for Extension of Time to File a reply to defendant's reply to plaintiff's response to defendant's motion to dismiss; court has granted defendant's motion to dismiss and case is closed. Signed by Judge William T. Lawrence on 5/17/2010. cm (NKD) (Entered: 05/17/2010)
08/29/2011	<u>45</u>	ENTRY and Notice – This cause is before the court on its own motion. A review of the action reveals that on November 23, 2009, the court directed that funds be withheld from the plaintiff's inmate account and forwarded to the clerk as payment of the filing fee. This measure is required by 28 U.S.C. § 1915(b) and (c). The record also shows that no funds have been received by the clerk based on the Order issued on November 23, 2009. Although it is possible that there have been insufficient funds posted to the plaintiff's account for any funds to be withheld and forwarded, it is also possible that the Order of November 23, 2009, has been misplaced. Another copy of the Order issued on November 23, 2009 (dkt 16), shall be sent to the plaintiff's custodian and to counsel for the Indiana Department of Correction. Signed by Judge William T. Lawrence on 8/29/2011.(VS) (copy to plaintiff via US mail) (Entered: 08/29/2011)